



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,755	02/21/2006	Stefan Boehm	03100282AA	6657
30743 7590 04/28/2009 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				
EXAMINER MCNALLY, DANIEL				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/568,755

Applicant(s)

BOEHM ET AL.

Examiner

DANIEL MCNALLY

Art Unit

1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Daniel McNally/
Examiner, Art Unit 1791

/John L. Goff/
Primary Examiner, Art Unit 1791

Continuation of 3. NOTE: In the proposed amendment claims 1 and 19 were limited to the embodiment of applying the hotmelt adhesive through a contoured screen, however claims 2, 7 and 10 depend from claim 1 and require an alternative embodiment for applying the hotmelt adhesive. The embodiment of using a contoured screen and the alternative embodiments of claims 2, 7 and 10 are not disclosed as usable together in the specification therefore the proposed amendment raises new matter issues .

Continuation of 11. does NOT place the application in condition for allowance because: The proposed amendments are not entered and the previously submitted claims are rejected for the same reasons expressed in the Office action dated 1/21/2009. The applicant's arguments that are applicable to the previously submitted claims have been considered and do not place the application in condition for allowance. Applicant argues Cairncross and Lauchenauer fail to show the use of hotmelt adhesive in the form of a dispersion. Applicant provides examples of hotmelts in the specification such as ethylene-vinyl acetate, copolymers, polyamides or saturated polyesters (page 3, lines 31-37) and rubber based adhesives (page 4, lines 13-21). Cairncross teaches using adhesives that melt and become tacky upon heating (column 4, lines 48-64) and discloses the adhesive may comprise rubber based polymers (column 8, line 62 – column 9, line 14). Lauchenauer also discloses the powder material is a polymeric material such as polyamides, polyesters, and ethylene vinyl acetate. The adhesive is a dispersion because it is spread selectively across the surface of the substrate.

Applicant argues Cairncross and Lauchenauer fail to show the use of a contoured screen to place hot melt adhesive at precise location. Cairncross discloses the adhesive can be applied by screen printing (column 4, lines 58) and Lauchenauer discloses the powder can be applied through a screen (column 6, lines 34-47). Both Cairncross and Lauchenauer show placing the adhesive at selective locations.

Applicant argues Cairncross and Lauchenauer fail to show the adherence of a microcomponent to a substrate. Cairncross teaches bonding micro sized particles which are considered "microcomponents" in the broadest reasonable interpretation of microcomponent.

Applicant argues Cairncross and Lauchenauer fail to show attaching the device during cooling of a hot melt adhesive. Cairncross teaches applying heat to melt the adhesive, once heating is stopped the adhesive will begin cooling, and the microparticles are attached to the adhesive after the heating and during the cooling of the adhesive.

Applicant argues Magnin and Lauchenauer fail to show the use of hotmelt adhesive in the form of a dispersion. Magnin discloses the adhesive may comprise polyamide, polyesters and ethylene-vinyl acetate. Lauchenauer also discloses the powder material is a polymeric material such as polyamides, polyesters, and ethylene vinyl acetate. The adhesive is a dispersion because it is spread selectively across the surface of the substrate.

Applicant argues Magnin and Lauchenauer fail to show the use of a contoured screen. Lauchenauer discloses the powder can be applied through a screen (column 6, lines 34-47).

Applicant argues Magnin and Lauchenauer fail to show adherence of microcomponents to a substrate. One of the substrates of Magnin can be considered a microcomponent in the broadest interpretation of the term "microcomponent" because there are not specific requirements that define a microcomponent found in the specification.

Applicant argues Magnin and Lauchenauer fail to show attaching a device during cooling of a hotmelt. Magnin discloses activating the adhesive by applying heat and after applying the "microcomponent" allowing the adhesive to cure. It is obvious the curing takes place during the cooling of the adhesive because the heat is removed from the adhesive after the activation step.

Applicant argues the combination of APA, Derand, Ohman, Cairncross or Magnin, and Lauchenauer fails to show the use of a dispersion or the use of a contoured screen. These arguments have been addressed above. .